

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

STEPHEN PROCTOR, ROBERT ALMON, )  
TRAVIS FOOTE, MATTHEW LANEY, )  
TECUMSEH MARTINEZ, BOBBY )  
ASHLEY, AMANDA ELLETTE, LLOYD )  
CONOVER, and KENNETH REINHART, )

Plaintiffs, )

Case No. CIV-07-654-M

vs. )

BOARD OF COUNTY COMMISSIONERS )  
OF THE COUNT OF POTTAWATOMIE, )  
POTTAWATOMIE COUNTY PUBLIC )  
SAFETY CENTER TRUST, and ROD )  
BOTTOMS , individually and as Director of )  
the Pottawatomie County Public Safety )  
Center Trust, )

Defendants. )

**SUPPLEMENT TO PLAINTIFFS' BRIEF IN OPPOSITION TO MOTION FOR  
SUMMARY JUDGMENT OF DEFENDANT, BOARD OF COUNTY  
COMMISSIONERS OF THE COUNTY OF POTTAWATOMIE.**

**EXHIBITS**  
**PART III**

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March 27, 2009

ATTORNEYS FOR PLAINTIFFS

**EXHIBIT 4**

**PCPSC Documentation of 72 Hours in Restraint  
Chair**

**PLAINTIFFS' BRIEF IN OPPOSITION TO DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT**

**PROCTOR v. BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF  
POTTAWATOMIE, CASE NO. CIV-07-654-M**

## Pottawatomie County Public Safety Center Incident Report

Incident Number	392	Date	5/30/2005	Time	23:50
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Officer in Charge	B Manson
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Inmates Involved

Officers Involved

**Report**

On April 30, 2005 at about 2350 hours I was called to west satalite because of a fire alarm. I was advised by Officer Osse that Matthew Laney had tampered with the fire sprinklers and the alarm had gone off. Upon entering B Housing unit at the Pottawatomie County Safety Center I, sergeant Manson observed that Officer Hudlow had inmate Laney on the deck outside of cell 9. Water was running from the cell and cascading off the balcony onto the floor. Officer Hudlow lead the inmate downstairs in handcuffs. I asked the inmate why he tampered with the sprinkler. The inmate was lead outside the housing unit and put on the floor at which time he became disrespectful to staff calling us all "bitches". Inmate Laney was put in a restraint chair. At about 1159 hours the fire alarm went off again. In cell B4 inmate Martinez had tampered with the fire sprinkler causing a flood in the cell. Inmate was taken out of the cell at taser point and put in a restraint chair. Inmate Martinez started making threats toward officers and the facility. He was saying he wanted to do bodily harm to officers and do damage to the facility upon his release. He was also encouraging inmate Laney to do the same. Martinez went on to make racial remarks towards officers. Both inmates were put in the clean holding cell in booking area. Director Bottoms was notified and came in to talk with both inmates along with two others who had tampered with fire equipment on May 28, 2005. It was decided to house the inmates who were in restraint chairs in the gym in west satalite area. One inmate was released after it was deemed he had served enough time in the restraint chair (Rusty Cross #2064). Per the director the inmates must stay in the restraint chairs 72 hours and are to be fed smoothies. Upon release from restraint they will be returned to their cells with no personal possessions or uniforms for at least

Inmates Taken to Hospital	
---------------------------	--

How were inmates transported to Hospital	
------------------------------------------	--

Hospital Name		Condition when sent to Hospital	
---------------	--	---------------------------------	--

Date Sent		Time		Date Returned		Time	
-----------	--	------	--	---------------	--	------	--

Hospital Instructions	
-----------------------	--

Jail Inspection Notified	<input type="checkbox"/>
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Reporting Officer	B Manson
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 Reporting Officer Signature



## Pottawatomie County Public Safety Center Incident Report

Incident Number  Date  Time

Officer in Charge

### Inmates Involved

Fileid	Book #	Last Name	First Name
3982	81550	Reinhart	Kenneth

### Officers Involved

Last Name	First Name	Badge #	Rank
Barrett	Rauna	Sat 4	Officer
Goodwill	Jerry	Sam 3	Sergeant
Terry	Andrew	David 18	D/O
Robinson	Randall	Com 5	Commander

### Report

On the above date and approximate time Inmate Reinhart, Kenneth #3982 called west satellite and called this R/O (Officer Barrett) a "fucking cunt." This R/O cancelled out the intercom and inmate Reinhart called right back and asked for a shower and this I told him that he would not receive a shower or his rec time because of his behavior and cancelled out the intercom again. Inmate Reinhart called again and stated something about he "should have hit me over the head with that crutch." This R/O cancelled out the intercom again and inmate Reinhart continued pushing the intercom non-stop. Sgt. Goodwill and Commander Robinson were notified. At approximately 1100 hours Inmate Reinhart was placed in the restraint chair by Sgt. Goodwill, Ofc. Terry, and Sgt. Goodwill. He was placed in the west recreation area, on 15 minute sight checks for 72 hours and on finger foods. END OF REPORT.

Inmates Taken to Hospital

How were inmates transported to Hospital

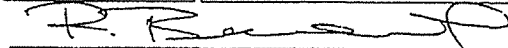
Hospital Name  Condition when sent to Hospital

Date Sent  Time  Date Returned  Time

Hospital Instructions

Jail Inspection Notified ☐

Reporting Officer



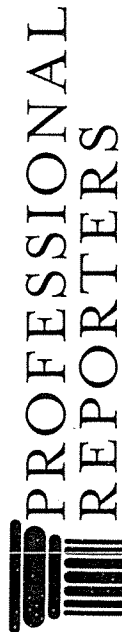
Reporting Officer Signature

**EXHIBIT 5**

**Foote Depo.**

**PLAINTIFFS' BRIEF IN OPPOSITION TO DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT**

**PROCTOR v. BOARD OF COUNTY COMMISSIONERS OF THE  
COUNTY OF POTTAWATOMIE, CASE NO. CIV-07-654-M**



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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

STEPHEN PROCTOR,  
ROBERT ALMON,  
TRAVIS FOOTE,  
MATTHEW LANEY,  
TECUMSEH MARTINEZ,  
BOBBY ASHLEY,  
AMANDA ELLETTE,  
LLOYD CONOVER,  
and KENNETH REINHART,

Plaintiffs,

Vs.

BOARD OF COUNTY COMMISSIONERS  
of the COUNTY OF POTTAWATOMIE  
and the POTTAWATOMIE COUNTY  
PUBLIC SAFETY CENTER TRUST;  
and ROD BOTTOMS, Individually,  
as the Director of  
POTTAWATOMIE COUNTY PUBLIC  
SAFETY CENTER TRUST.

Defendants.



Case No. CIV-07654M

**DEPOSITION OF TRAVIS FOOTE  
TAKEN ON BEHALF OF THE DEFENDANTS  
ON NOVEMBER 20, 2008, BEGINNING AT 10:17 A.M.  
IN HELENA, OKLAHOMA**

ALSO PRESENT: Marcos Solorio  
REPORTED BY: Daniel Luke Epps, CSR, RPR

1 Q No, like, chain around your waist or  
2 anything like that that they used?

3 A I don't remember them putting a  
4 chain around my waist.

5 Q I think you said a few minutes ago  
6 that you had observed people restrained  
7 differently than the way that you got into the  
8 chair?

9 A Yes.

10 Q Tell me what you meant by that.

11 A Well, I had seen on occasion in a  
12 previous pod, there was a couple of guys that  
13 tended to get restrained on a pretty regular  
14 basis.

15 Q Okay.

16 A And I'd seen them struggle, and I'd  
17 even witnessed -- this particular pod -- all of  
18 these pods are mirrored. They're in, like, an  
19 octagonal shape and they're across from each  
20 other. The design is so you can't see into other  
21 pods, but at a certain angle you can.

22 Q Okay.

23 A Especially if the lighting is right  
24 in the other pod and yours is dark. So they  
25 would -- well before this incident, these two



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1 would agree with these statements here.

2 Q You allege that you were kept in the  
3 restraint chair for I think you said 87 hours.

4 A This petition alleges that. I  
5 believe the count was more like 92 or 91 or  
6 somewhere right in there.

7 Q Tell me how you arrive at that  
8 number.

9 A Well, I was in a room where I could  
10 see daylight, so I was keeping track of the time  
11 roughly, and so I was -- I knew I was approaching  
12 the fourth day. At the time, that's what it  
13 seemed like to me, but I'm not sure. I mean,  
14 you'd have to experience this to know how the  
15 kind of tricks that this kind of restraint over  
16 several days without end plays on your mind, so  
17 this could be just as accurate as my memory. I  
18 just don't know.

19 Q Were you at any time allowed breaks  
20 from the chair? In other words, did they ever  
21 release you from the chair before totally setting  
22 you free of the chair?

23 A Well, there were times when they  
24 removed some or all of the restraints to allow --  
25 I think I probably went to the bathroom -- was



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1 allowed to go to the bathroom twice in four days,  
2 and then they would -- normally when they fed  
3 you, they would release one of your arms  
4 depending on who was working. Manson would make  
5 you sit there and try to eat with your arm  
6 restrained which ended up with food all over you.  
7 It was just impossible with this much movement.  
8 You'd have to try to splash the food into your  
9 mouth to get any nutrition. So, yes, there were  
10 times when -- there was a couple of times when --  
11 and I remember this. These were always on --  
12 when Manson was not there, and the impression I  
13 had was that this was being done in defiance of  
14 orders. They would let me out to go to the  
15 bathroom.

16 Q Let's look here back at Exhibit  
17 Number 1, your petition.

18 A Yeah.

19 Q If you look at your paragraph 3  
20 here --

21 A Yes, sir.

22 Q -- it says, "Placed in the restraint  
23 chair for 87 consecutive hours," and we've talked  
24 about that a little bit, "without the benefit of  
25 medical supervision." Did you ever -- did you



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1 ever request to see a nurse or a doctor while you  
2 were restrained in the restraint chair?

3 A Yes. Constantly I was still  
4 requesting Ibuprofen --

5 Q For your tooth?

6 A -- for my tooth.

7 Q Okay. Did you ever get to see the  
8 nurse or a physician while you were in the chair?

9 A No.

10 Q Did you ever receive Ibuprofen while  
11 you were in the chair?

12 A No.

13 Q Did you ever receive -- were you  
14 taking any other medications at the time?

15 A No.

16 Q How did you previously -- prior to  
17 being in the chair, how did you request medical  
18 attention? What was the procedure that you had  
19 to follow?

20 A The nurse came by each morning and  
21 each evening with medication for people who had  
22 prescriptions, and you would let her know. You'd  
23 fill out some simple form, and then she would  
24 process that, and the next time she came through,  
25 if they agreed, you'd get what you asked for.



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1 the doctor, he prescribed Ibuprofen and then  
2 they continued to --

3 Q And they still didn't it give it to  
4 you?

5 A They continued to refuse.

6 Q Okay. This paragraph 3 continues  
7 and states, "Without benefit of routine bathroom  
8 breaks." I think you just told me a second ago  
9 that you were allowed out to use the bathroom you  
10 thought two times?

11 A Yes.

12 Q Do you recall saying that?

13 A Yes.

14 Q Did you get to use the restroom any  
15 other times other than those two times?

16 A No. Let me expand on this a little  
17 bit if you don't mind.

18 Q Please do.

19 A Various officers were known, had  
20 been heard by me and of course by other inmates,  
21 too, to brag about the results of what they did  
22 to people in these chairs. Matt Laney and  
23 Tecumseh -- Matt Laney had a brother. I can't  
24 remember his name. They would strap these guys  
25 in these chairs and these guards would brag to us



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1 that they were going to leave these guys in these  
2 chairs until they shit themselves and sometimes  
3 that happened, and it was understood that was  
4 their goal to, you know, to humiliate you and  
5 emasculate you in this way.

6 Q Okay.

7 A It was my goal, of course, not to  
8 give them that satisfaction. In my particular  
9 case I already had a preexisting medical  
10 condition. I think they call it fissures, and  
11 it's where if you're dehydrated, your body will  
12 want to pass -- to defecate, but your anal walls  
13 will tear and you'll bleed, and so this was  
14 particularly aggravating for me physically. I  
15 don't mean mentally, but it aggravated that  
16 situation. When I got to -- when I was  
17 transported a couple days later, I had to deal  
18 with that medically, and I had already been  
19 treated there or seen by the doctor there for  
20 that, too.

21 Q Seen by the doctor while you were in  
22 Pottawatomie County?

23 A Right.

24 Q Okay.

25 A For the anal fissures, because what



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1 was much shorter than mine.

2 Q Why was that?

3 A I don't know if they had decided  
4 that he was the more innocent party or I was the  
5 aggressor or what. I don't know, but they just  
6 -- I don't think he was there but for the first  
7 evening and part of the first -- part of the  
8 second day, and they let him out of the chair.  
9 Touching back on the -- you asked about did that  
10 ever happen to me. Probably the reason not is  
11 because I starved myself and didn't drink much in  
12 the way of fluids because I didn't want to -- I  
13 didn't want to give them satisfaction.

14 Q Paragraph 3 of Exhibit Number 1  
15 continues and states, "Without benefit of normal  
16 food and utensils." Tell me about the food. How  
17 were you fed while you were in the chair?

18 A They would take your entire tray,  
19 same nutrition as anyone else in the jail would  
20 get, and they'd put it all into a blender and  
21 make a smoothie out of it, and they would bring  
22 that to you. They used that as a punishment for  
23 people that weren't in the chair, too. That was  
24 just one of their other punishments, and so  
25 that's the only kind of meal you got while you



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1 were in the chair was a cup, a Styrofoam cup with  
2 this smoothie of mixed cake and macaroni and  
3 things like this, and if there was someone  
4 halfway decent working, they would free up one of  
5 your restraints on one arm and set that cup and a  
6 cup of tap water by your chair and you could eat  
7 and drink. If not, you just had to try to throw  
8 it at your mouth and see if you could get  
9 something in there. You had about -- you could  
10 work those wrist restraints loose a little bit,  
11 which is probably why they cuffed you. So if you  
12 could do that and get that cup in your hand, you  
13 had about three inches of range, you know, the  
14 length of the cuff chain.

15 Q The motion you had?

16 A Yeah, the motion.

17 Q Did they bring you the blended lunch  
18 all three meals of the day?

19 A I don't know. I didn't have very  
20 good track of time, but I didn't have any sense  
21 that they didn't. Of course, I wasn't eating it  
22 most of the time anyway.

23 Q Did they bring you the Styrofoam cup  
24 of water each time that they brought you the food  
25 and the --



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1 chair.

2 Q Did you ever see any male inmates  
3 who had urinated on themselves?

4 A My memory is that Matt Laney had  
5 defecated and urinated on himself at least once,  
6 and this is a little comical. I think that  
7 Tecumseh did, but I'm not sure if it was -- I'm  
8 not sure he didn't want to, because he had freed  
9 an arm, and as I recall, he took the defecation  
10 and he smeared it all over the chair, and I think  
11 he thought that would force their hand. It  
12 didn't.

13 Q After you were released from the  
14 chair, what happened after that?

15 A I remember them -- someone telling  
16 me that I would probably get out that day, which  
17 I was already pretty much aware of because it was  
18 going to be a business day. I knew that my wife  
19 had gone without hearing from me for three days,  
20 so I knew that she would be checking into it and  
21 making phone calls all over the state to do  
22 something about it, but the deal was there wasn't  
23 enough authority there to authorize it or  
24 something, so it was actually much later on that  
25 Tuesday than when they first introduced me to the



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1 idea that I might get out of the chair that day  
2 that I got out. They took me straight into a  
3 cell I want to say in the same pod, but I don't  
4 remember because all the pods look alike, and  
5 they had attached a steel chain to a bunk and  
6 they chained it around my ankle with a padlock  
7 and padlocked me to a bunk.

8 Q Now, in the pod that you were in  
9 before, before the restraint issues occurred, how  
10 often were you out, allowed to socialize with  
11 your other pod mates?

12 A Never.

13 Q So you really didn't know who else  
14 was in your pod other than looking out the window  
15 of your cell to see?

16 A Well, as each of us got out for an  
17 hour, you know, you could walk by other people's  
18 cells and talk to them through their window or a  
19 crack in their door, so we -- a normal inmate  
20 would be aware of just about everyone else in the  
21 pod because you only had ten cells in each pod.

22 Q Okay.

23 A And they were usually single-celled,  
24 and so you probably only had between 10 and 15  
25 people in a pod.



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1 wanted me to sign it. So they'd let me -- they'd  
2 take the chain off if I'd sign it to which I  
3 relied if you want a signature bad enough to take  
4 this chain off, then you're afraid that what  
5 you're doing is about to get discovered, so just  
6 go ahead and leave the chain on me, and I  
7 declined to sign it.

8 Q Okay.

9 A And so they came back. Rod Bottoms  
10 came through maybe an hour later or so and same  
11 conversation, only this time they went ahead and  
12 took it off, and I found out later that my wife  
13 had contacted the state jail inspector and he was  
14 there on the premises when they were -- when they  
15 came through and took the chain off. They were,  
16 I guess, a few minutes ahead of him popping off  
17 chains and covering trash.

18 Q How long were you on the chain in  
19 your cell?

20 A Just from late afternoon, the day  
21 they took me off of the chain. I want to say  
22 just a few hours. My memory is probably not  
23 totally reliable. My memory is just a few hours  
24 because it was like -- you know, I shipped to  
25 DOC, to Lexington Assessment and Reception Center



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1 on the 5th.

2 Q Okay. -

3 A The morning of the 5th. No.  
4 Morning of the 7th. I'm sorry. I believe.

5 Q Okay.

6 A And so I think that chain came off,  
7 I think they let me out of that chair somewhere  
8 like 3:00 or 4:00 in the afternoon, and I think  
9 that chain was off later in the evening.

10 Q Of the same day?

11 A Of the same day. Again, these  
12 memories can really blend. I've spent a lot of  
13 time in a lot of cells.

14 Q How long of a chain was it?

15 A I want to say it was probably about  
16 three feet long roughly.

17 Q Far enough you could reach the  
18 toilet if you needed to?

19 A I could reach the toilet. I could  
20 just barely turn around and sit down on the  
21 toilet and I could reach the sink to wash my  
22 hands. I couldn't reach the door and I couldn't  
23 reach the speaker button.

24 Q Now, when you got put back into that  
25 cell, was the chain and everything already there



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1 when you walked in or did they do all the  
2 drilling and installing?

3 A I think they drilled it and  
4 installed it in that cell right in front of me.  
5 I think they had me cuffed and made me sit in  
6 there cuffed until they came in and maintenance  
7 came in and did that.

8 Q And you had seen other people in  
9 your pod similarly chained --

10 A Well, I --

11 Q -- before that?

12 A I'm sorry. I didn't mean to talk  
13 over you. I lived next door to Tecumseh for  
14 quite some time, and Tecumseh was chained on a  
15 regular basis, and so, you know, he would  
16 describe exactly. He'd say it's about three --  
17 you know, just like you've asked me. You're  
18 pretty bored in a jail cell where they don't  
19 allow TV and magazines and things like that, so I  
20 was pretty familiar with the setup, and I already  
21 been in some cells where you could still see  
22 where the holes were drilled and the marks where  
23 the chain had dragged through the paint and  
24 damage it and things like that.

25 Q Okay. Now, is it your testimony



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1 whenever you were in the chair?

2           **A**       No. Now, I could see through the  
3 two-way glass to who was passing by in the  
4 hallway, so I saw him a few times, and I could be  
5 mistaken, but I don't have any memory of him ever  
6 coming to see me.

7           **Q**       When -- go ahead.

8           **A**       It's good to keep in mind that this  
9 was a holiday weekend.

10          **Q**       I understand.

11          **A**       So if he came through at all, it  
12 would have been -- wouldn't have been much.

13          **Q**       What about -- you say that people  
14 could see you through this glass. Were there  
15 people coming in and checking to make sure that  
16 you were alive still in this chair?

17          **A**       A little bit on the overnight shift.  
18 They have more time available to them on that  
19 shift, and there are some, in my view, kinder  
20 people, and they had less -- Manson left. He was  
21 the evening shift commander. Once Manson left,  
22 it was clear that the attitude was not the same  
23 on the next shift. These people had to follow  
24 orders because just like in the inmate social  
25 circles of a jail and the staff social circles,



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1 have a regular sight check on you?

2           A       Well, "no" is probably a little bit  
3 too strong of a word. I could observe because  
4 unlike these other pods you could see through the  
5 glass both ways in this gym pod, and so I could  
6 see any time that staff came by, and I could see  
7 whether they were, you know, whether they had a  
8 pad of paper they were marking on and marking  
9 something down or whether they were just passing  
10 by and didn't even look at me. There wasn't any  
11 pattern that I could observe, and I was awake for  
12 most of this time because it's really difficult  
13 to sleep under these conditions, and, for the  
14 record, let me give you sort of a summary of the  
15 conditions that we're talking about in this  
16 chair. Remember this is open to the air, so  
17 while I'm there, these are things that actually  
18 happened to me. If birds -- this is just a  
19 grilled, not screened, because a grilled window.  
20 So birds come in. I actually got crapped on by  
21 birds. I would have to watch mosquitoes land on  
22 me and bite me and suck the blood out of me and  
23 itch, you know, and the bite itches later on. So  
24 this is -- you don't sleep. This is an extremely  
25 mentally -- from my personal experience, of



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**EXHIBIT 6**

**Restraint Chair Manufacturer's Warning Lable**

**PLAINTIFFS' BRIEF IN OPPOSITION TO DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT**

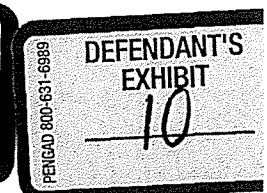
**PROCTOR v. BOARD OF COUNTY COMMISSIONERS OF THE  
COUNTY OF POTTAWATOMIE, CASE NO. CIV-07-654-M**

# **WARNING**

Use of the Emergency Restraint  
Chair without first reading and  
thoroughly understanding the  
instructions could cause injury or  
death.

## **WARNING**

Do not leave anyone in  
this chair for more than  
**TWO HOURS**



**EXHIBIT 7**

**Almon Depo.**

**PLAINTIFFS' BRIEF IN OPPOSITION TO DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT**

**PROCTOR v. BOARD OF COUNTY COMMISSIONERS OF THE COUNTY  
OF POTTAWATOMIE, CASE NO. CIV-07-654-M**





**FAYETTEVILLE, AR**

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**CORPORATE OFFICE** 511 Couch Drive, Suite 100 Oklahoma City, OK 73102

**COPY**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

STEPHEN PROCTOR, ROBERT ALMON,  
TRAVIS FOOTE, MATTHEW LANEY,  
TECUMSEH MARTINEZ, BOBBY ASHLEY,  
AMANDA ELLETTE, LLOYD CONOVER,  
and KENNETH REINHART,

Plaintiffs,

vs.

Case No. CIV-07654M

BOARD OF COUNTY COMMISSIONERS  
of the COUNTY OF POTTAWATOMIE  
and the POTTAWATOMIE COUNTY  
PUBLIC SAFETY CENTER TRUST;  
and ROD BOTTOMS, Individually,  
as the Director of POTTAWATOMIE  
COUNTY PUBLIC SAFETY CENTER TRUST.



Defendants.

**DEPOSITION OF ROBERT ALMON**  
TAKEN ON BEHALF OF THE DEFENDANTS  
ON NOVEMBER 3, 2008, BEGINNING AT 1:04 P.M.  
IN SHAWNEE, OKLAHOMA

**APPEARANCES:**

On behalf of the PLAINTIFFS:

**WILLIAM ROBERSON**

Roberson Law Office  
318 North Broadway  
Shawnee, Oklahoma 74801  
(405) 273-0240

On behalf of the DEFENDANTS:

**JOHN BLODGETT**

Collins, Zorn & Wagner  
429 N.E. 50th Street, Second Floor  
Oklahoma City, Oklahoma 73105  
(405) 524-2070  
[john@czwglaw.com](mailto:john@czwglaw.com)

REPORTED BY: Daniel Luke Epps, CSR, RPR

1 while I assisted -- while I was assisted by  
2 Corporal Osse and Officer Vandenberghe,"  
3 V-A-N-D-E-N-B-E-R-G-E, "in the pod." Do you see  
4 that?

5 A Yes, sir.

6 Q "Inmate Almon was taken out of cell  
7 5, ordered to the ground, and cuffed. He was  
8 then moved to the recreation room in west  
9 satellite and put in the restraint chair." Do  
10 you see that?

11 A Yes, sir.

12 Q Do you recall being housed in E5?

13 A Yes, sir.

14 Q Do you recall an incident occurring  
15 where the fire sprinkler was broken in E5?

16 A Yes, sir.

17 Q How did the fire sprinkler break in  
18 E5?

19 A I have no idea. It was leaking. It  
20 was dripping, and the next thing I know it just  
21 shot off and it shot this black oil. I guess  
22 it's in the pipes to keep them from rusting.  
23 Shot it all over me and I just covered up with my  
24 blanket because it kept shooting out water all  
25 over me, and that was when Sergeant Manson came



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1 in and grabbed me by the back of the head,  
2 slammed me on the ground and put his knee in my  
3 back and cuffed me up behind my back. My view,  
4 when this sprinkler went off, there was -- I  
5 don't know how many gallons of water came out,  
6 but the water was at least a foot deep in my  
7 cell. So when they opened the door, water comes  
8 rushing out and he slams me down in the water,  
9 and, I mean, slams me down. Not just orders me  
10 to the ground and I get on the ground. He  
11 slammed me on the ground, and with his knee in my  
12 back, cuffed me up, and told them to take me away  
13 and put me in the restraint chair for 72 hours.

14 Q Now the E pod, is that the max pod?

15 A Yes, sir.

16 Q And you were locked down at the time  
17 that this occurred?

18 A Yes, sir.

19 Q Did you have a cell mate with you at  
20 that time?

21 A No, sir. That was a single cell.

22 Q And Officer Manson pulled you out of  
23 the cell?

24 A Yes, sir.

25 Q And you said slammed you down on



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1 your stomach?

2 A Yes, sir. -

3 Q Did he ask you what had happened or  
4 anything like that?

5 A No. No, sir.

6 Q And you said he put his knee in your  
7 back?

8 A Yes, sir.

9 Q Did he handcuff you then?

10 A Yes, sir.

11 Q What did he do after he handcuffed  
12 you?

13 A He jerked me up and gave me to  
14 Officer Vandenberghe and told him to put me in  
15 the restraint chair.

16 Q So Officer Manson told Officer  
17 Vandenberghe to put you in the restraint chair?

18 A Yes, sir.

19 Q Had you ever been in the restraint  
20 chair before that day?

21 A No, sir.

22 Q Did you have any idea what the  
23 restraint chair was?

24 A No, sir.

25 Q What was the recreation room?



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1           A       It was a room in the middle of the  
2 pod where -- that's-where they -- if you messed  
3 up, they put you in there. It was, I guess, a  
4 room used -- I mean, I never seen it used for  
5 recreation. The only thing I ever seen it used  
6 for was people that were put in the restraint  
7 chair.

8           Q       Did you ever know anybody who had  
9 been put in the restraint chair before this July  
10 15, 2005 incident?

11          A       I had seen them, yes.

12          Q       Who had you seen?

13          A       I didn't know -- I don't know their  
14 names, but I had seen people in there, yes.

15          Q       How were you able to see people in  
16 the restraint chair in there?

17          A       You can stand up to the windows and  
18 put your hands up against the glass and your face  
19 and you can see through there, and when they're  
20 transporting you to court or stuff like that, you  
21 walk by and you can see people in there.

22          Q       How many people was the most you  
23 ever saw in there in the restraint chair?

24          A       One at a time, and I had seen three  
25 other people besides me.



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1           A       Yes, sir.

2           Q       Did they put a new sprinkler head  
3 up?

4           A       Yes, sir.

5           Q       Did you ever have any future  
6 problems in E5 with the sprinkler head breaking?

7           A       No, sir.

8           Q       Were you aware of any other  
9 incidents involving sprinkler heads in the jail?

10          A       I know there was a couple other ones  
11 that were broke. I didn't see them happen or I  
12 wasn't in the same pod, but I heard about it.

13          Q       Did you hear about what happened to  
14 those people?

15          A       The same thing. They were sent to  
16 the restraint chair for 72 hours, and I don't  
17 know if we still got the sticker or not. There  
18 was a sticker on the back of that restraint chair  
19 that said no one is to be left in this chair  
20 unattended or longer than 15 minutes, and I'm  
21 pretty sure --

22                   MR. ROBERSON: It's two hours, I  
23 think.

24                   THE WITNESS: No. It was 15  
25 minutes.



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1 one that put me in the restraint chair.

2 Q And where was he located?

3 A What do you mean?

4 Q Well, let me ask you this. Did you  
5 resist being placed in the restraint chair?

6 A No, sir.

7 Q You just sat right down?

8 A Yes, sir.

9 Q After you had been strapped into the  
10 restraint chair, did they move the chair?

11 A No, sir.

12 Q Tell me about the room itself that  
13 you were kept in while you were in the restraint  
14 chair.

15 A It's a big room. It was probably  
16 maybe 20 feet by 30 feet, and it's got a little  
17 garage door that opens up to let fresh air in,  
18 and there's one drain in the middle, a water  
19 drain, and there's glass windows that face the --  
20 all the pods in the satellite where the officers  
21 sit.

22 Q Now, was anyone else in the room  
23 where the chair was during any time that you were  
24 in the restraint chair?

25 A No. Just the officers that came in



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1 ever seen him.

2 Q Did you ever -- you did not see him  
3 then when you were in the chair?

4 A No, sir.

5 Q Now, while you were strapped into  
6 the chair, did you, in fact, ever urinate on  
7 yourself?

8 A Yes, sir.

9 Q Several times?

10 A Yeah, for 72 hours. There wasn't  
11 nothing I could do about it.

12 Q What were you wearing when you were  
13 strapped in the chair?

14 A An orange jump suit.

15 Q And you just went right in that  
16 orange jump suit?

17 A Yeah, and you can only hold it for  
18 so long. I mean, after you hold it for so long,  
19 you've just got to do what you've got to do.

20 Q No one ever came and let you out to  
21 use the restroom?

22 A No, sir.

23 Q Did they ever let you out to change  
24 clothes?

25 A No, sir.



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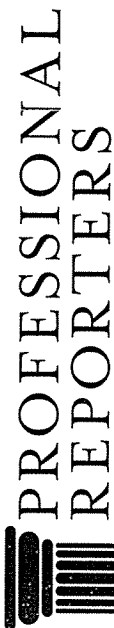


**EXHIBIT 8**

**Proctor Depo.**

**PLAINTIFFS' BRIEF IN OPPOSITION TO DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT**

**PROCTOR v. BOARD OF COUNTY COMMISSIONERS OF THE COUNTY  
OF POTTAWATOMIE, CASE NO. CIV-07-654-M**



FAYETTEVILLE, AR

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## COPY

### IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

STEPHEN PROCTOR, ROBERT ALMON,  
TRAVIS FOOTE, MATTHEW LANEY,  
TECUMSEH MARTINEZ, BOBBY ASHLEY,  
AMANDA ELLETTE, LLOYD CONOVER, and  
KENNETH REINHART,

Plaintiffs,

Vs.

Case No. CIV-07654M



BOARD OF COUNTY COMMISSIONERS  
of the COUNTY OF POTTAWATOMIE  
and the POTTAWATOMIE COUNTY  
PUBLIC SAFETY CENTER TRUST;  
and ROD BOTTOMS, Individually,  
as the Director of POTTAWATOMIE  
COUNTY PUBLIC SAFETY CENTER TRUST.

Defendants.

**DEPOSITION OF STEVE PROCTOR**  
TAKEN ON BEHALF OF THE DEFENDANTS  
ON OCTOBER 22, 2008, BEGINNING AT 10:21 A.M.  
IN CUSHING, OKLAHOMA

#### APPEARANCES:

On behalf of the PLAINTIFFS:

**WILLIAM ROBERSON**

318 North Broadway  
Shawnee, Oklahoma 74801  
(405) 273-0240

On behalf of the DEFENDANTS:

**JOHN BLODGETT**

Collins, Zorn & Wagner  
429 N.E. 50th Street, Second Floor  
Oklahoma City, Oklahoma 73105  
(405) 524-2070  
[john@czwglaw.com](mailto:john@czwglaw.com)

REPORTED BY: Daniel Luke Epps, CSR, RPR

1 A That's correct.

2 Q And you responded with some comments  
3 about being placed in the PC pod?

4 A That's correct.

5 Q Do you recall inmate -- do you  
6 recall detention officers coming to check on you  
7 while you were in the chair in the new facility  
8 on this occasion?

9 A Well, it was in the medical part.  
10 There would be a nurse come through there.

11 Q Okay.

12 A I mean, there was somebody that  
13 would come through right where I was at at this  
14 time.

15 Q If you had had any problems, needed  
16 to use the restroom, anything like that, you  
17 could have communicated that to someone, correct?

18 A At this time, yeah, I probably could  
19 have yelled out to somebody when I heard if there  
20 wasn't anybody in there.

21 Q You were then placed into a medical  
22 cell, and I think that was the incident where the  
23 fire sprinkler happened, right?

24 A Yeah. I'm remembering this now.

25 Q Tell me what happened with the fire



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1 sprinkler.

2           **A**       I was in there, and actually when  
3 this here happened, actually this was kind of an  
4 accident to be all honest with you, because I had  
5 the towel hanging on the sprinkler right there.  
6 You know what I mean? And I didn't have a clue  
7 at how they messed up or anything like that, but  
8 I went and grabbed the towel, and when I jerked,  
9 it had broke the showerhead or the sprinkler  
10 head, and it was kind of -- this was actually an  
11 accident. I wasn't actually trying to be  
12 disruptive at that time. It was actually an  
13 accident, and then the fire alarms going off and  
14 everything, and Manson and them come back there,  
15 and I was trying to explain that to Manson, and  
16 ain't none of them was trying to listen because,  
17 you know, after my behavior I probably wouldn't  
18 be trying to listen to me at that particular time  
19 either, but I was trying to tell him, man, that  
20 this was an accident, and I was actually kind of  
21 worried about the way the water was filling up in  
22 the cell. You know what I mean?

23           **Q**       Okay.

24           **A**       But he didn't even give me a shot.  
25 Him and I think another one come back there, and



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1 I was not being unruly with them or whatever.  
2 They had the Tasers pulled out on me, and I was  
3 telling him he didn't have to hit me with the  
4 Tasers. I ain't trying to be disruptive or  
5 nothing like that, and he said, "But you're still  
6 tearing stuff up," you know, and stuff like that,  
7 and when they opened the door, as soon as they  
8 opened the door, Manson hits me with the Taser.  
9 Another one throws me to the floor into the  
10 water, and he's still pushing the Taser on me,  
11 and it's still stuck in me, and he stands me up  
12 and another one hits me in the back with the  
13 Taser and shoots me a few times, and we're  
14 walking down the -- we pull out of the medical  
15 area and we're going down the hall, and Manson is  
16 periodically hitting that Taser shocking me going  
17 down the hall, but it's not shocked me to the  
18 point where I'm falling on the ground or  
19 anything, but he's hitting me with it as I'm  
20 going down the hall, and they get me in there and  
21 they handcuff both of my hands into a cell up in  
22 the lobby area and pin me down until they get --  
23 whenever they're done, they get the chair in  
24 there and get me in the chair.

25 Q All right. Let me go through that



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1 hollering at people that was walking by out in  
2 the day room because I was being kind of mouthy.  
3 They turned the chair around and pointed it to  
4 the back.

5 Q What if you needed to go to the  
6 bathroom?

7 A Well, up until this point right  
8 here, I was in the chair up until I had pissed on  
9 myself, and then they let me out of the chair. I  
10 got a shower. They took me over to the shower  
11 part, brought me back in, and put me right back  
12 in the chair, and after this point here when I  
13 hollered loud enough or whatever like that, like  
14 I said, they kept my back turned to the door to  
15 where I couldn't see because I was being mouthy  
16 to the people. They put blankets over my head,  
17 and if I hollered loud enough, they'd finally get  
18 somebody in there, let me out of the chair to use  
19 the toilet that was right there in the bullpen.

20 Q Okay. What if they didn't hear you?

21 A Then I'd sit there and have to hold  
22 it.

23 Q But you said you did urinate on  
24 yourself?

25 A I did urinate on myself, man, and



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1 that's how I finally got out of the chair.  
2 That's how I finally got out of this chair right  
3 here and got to shower.

4 Q Did you ever have to use the  
5 bathroom on yourself any more on this occasion?

6 A Not on this occasion, no.

7 Q Even though they kept you in the  
8 chair for several days --

9 A They kept me in the chair.

10 Q -- they would let you out to use the  
11 bathroom?

12 A That's right. That would be the  
13 only reason that I'd get out.

14 Q That was the only reason you'd get  
15 out?

16 A Yes.

17 Q Did they let you out to shower or  
18 anything like that?

19 A No.

20 Q You said they did let you out to  
21 shower after you had gone to the bathroom on  
22 yourself?

23 A That's right. They did, yes.

24 Q But then they put you right back in  
25 the chair?



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1 A Back to the PC pod.

2 Q Back to the PC pod?

3 A Yes.

4 Q Why did they put you back there?

5 A They chained me to the bunk.

6 Q They chained you to the bunk?

7 A Yes.

8 Q In the PC pod?

9 A They locked me to the bunk on a  
10 chain about this long.

11 MR. ROBERSON: You've got to --

12 THE WITNESS: Well, on a chain about  
13 maybe a foot and a half.

14 Q (BY MR. BLODGETT) Okay.

15 A It's the same chains they use for  
16 the shackles on your feet.

17 Q Now, what on you was chained?

18 A My ankle was chained to the bunk in  
19 the very first cell of this pod. You can  
20 probably go in there and see the hole drilled in  
21 the side of the bunk.

22 Q Frame of the bunk?

23 A That's right. Where a padlock would  
24 fit through the hole.

25 Q That happened on the -- that



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1 happened right after the incident with the fire  
2 sprinkler?

3 A This happened after they took me out  
4 of the chair.

5 Q Okay.

6 A Yes.

7 Q After the incident with the fire  
8 sprinkler?

9 A After the incident --

10 Q You went from the medical cell where  
11 you accidentally pulled this fire sprinkler head  
12 off --

13 A That's right.

14 Q -- into the chair --

15 A That's correct.

16 Q -- and from there, you went back to  
17 the PC pod where they chained you to the bunk?

18 A That's correct.

19 Q Okay. Let's turn to the next page  
20 there of Exhibit Number 2. This is incident  
21 report number 369, and the date there at the top  
22 says 5/23/2005. Do you see that?

23 A Yes.

24 Q Now, this says, "West satellite  
25 Officer Johnnie Daniel called for maintenance to



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1 E pod. She said that Proctor in E pod cell 2 had  
2 broken the stool from the wall." Do you recall  
3 that incident?

4 A Yeah. It wasn't a toilet. It was  
5 the stool.

6 Q The bowl basically?

7 A No. It was a stool that you sat on  
8 at the desk.

9 Q Oh, okay. Well --

10 A I jumped off of it -- off the top  
11 bunk and it came off the wall.

12 Q Okay.

13 A This is after they --

14 Q That's what I was getting ready to  
15 get to.

16 A Yeah.

17 Q They put you back in the PC pod.  
18 You were chained to the bunk?

19 A That's correct.

20 Q How long did they keep you chained  
21 to the bunk?

22 A I was probably there several, two or  
23 three or four days maybe.

24 Q Chained to the bunk?

25 A If that, yeah. Could not reach the



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1 toilet. When I pissed, I just pissed on the  
2 floor.

3 Q And you said it was about an 18-inch  
4 chain? Foot and a half I think is what you said.

5 A Yeah.

6 Q And it was tied to your ankle?

7 A Yeah.

8 Q It was affixed to your ankle?

9 A That's right.

10 Q And then the other end of the chain  
11 was affixed to the bunk?

12 A That's correct.

13 Q How long did you say?

14 A I was there two or three days.

15 Q Chained up the whole time?

16 A Chained up the whole time. I was  
17 let out to use the bathroom, number two, a couple  
18 of times.

19 Q Okay.

20 A They didn't bother me at all, and if  
21 I had to piss --

22 THE COURT REPORTER: Hold on.

23 Q (BY MR. BLODGETT) The chair noise  
24 makes it hard to hear. Okay. Tell me again what  
25 you were saying. Let you out if you had to do



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1 Q Okay.

2 A I'd kick it. I'd lay on the bottom  
3 and kick it with my one foot, kick the top, or  
4 wait until they come around and count and kept  
5 telling them that -- because I just wasn't going  
6 to --

7 Q Sure. I understand. Was anybody  
8 else in that cell with you whenever that  
9 happened?

10 A No.

11 Q After two or three days they took  
12 the chain off, I assume? What happened that you  
13 got --

14 A They come and got me and moved me  
15 back to this cell here.

16 Q They moved you back to the E pod  
17 that it's talking about here?

18 A Yes.

19 Q Is that the max pod?

20 A That is the max pod.

21 Q So they put you back in the max pod  
22 after you had been chained up for two or three  
23 days?

24 A Yeah. After they chained me to the  
25 bunk for a while.



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1           A       I just felt like they were doing me  
2 wrong, man, as far as using the chair as  
3 punishment. That's all. That's being chained to  
4 the bunk, having to piss in the floor, live in  
5 that environment. That's -- yeah, I'd say that's  
6 --

7           Q       But you didn't ever have to lay in  
8 your own urine, did you?

9           A       I had to sit in it.

10          Q       For how long?

11          A       I had to piss in it and live in the  
12 floor.

13          Q       I thought you said you could stay on  
14 the -- you could sleep on the bunk.

15          A       I could sleep on the bunk, but I was  
16 still in there with it. It's all over the floor  
17 when there was a perfectly good toilet in the  
18 cell I could have used. If they would have just  
19 put me another foot of chain on my ankle, I could  
20 have reached the toilet.

21          Q       Why do you think they didn't give  
22 you another foot of chain?

23          A       I do not know.

24          Q       Don't you think that your own  
25 actions probably had something to do with the



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**EXHIBIT 9**

**PCPSC Documentation of Chaining Inmates**

**PLAINTIFFS' BRIEF IN OPPOSITION TO DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT**

**PROCTOR v. BOARD OF COUNTY COMMISSIONERS OF THE COUNTY  
OF POTTAWATOMIE, CASE NO. CIV-07-654-M**



POTTAWATOMIE COUNTY  
PUBLIC SAFETY CENTER

Movement Order

INMATE: Loyd Conover File # 4501  
Booking 7466

Has been ordered to move from Pod/ Bunk: D5-1 to Pod/ Bunk: B2-1  
(Per Commander Robinson)

The following reason(s) for movement: He is to be chained to his  
bunk. Finger Foods only. He is to remain in his  
room at all times, chained. He is to wear shackles, cuffs  
and belly chain when he takes his shower.

Requesting Officer:

Signed: \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

Supervisor/ Classification:

Signed: Karen Jenkins Co Date 6-13-05 Time 1325

Medical Personnel:

Signed: \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

Moving Officer:

Signed: C. Holloway Date 6-13-05 Time 1930 pm

Booking Clerk:

Signed: [Signature] Date 6-13-05 Time 1739



POTTAWATOMIE COUNTY  
PUBLIC SAFETY CENTER

Movement Order

INMATE: Tecumseh Martinez <sup>File # 1239</sup> Booking 7960

Has been ordered to move from Pod/ Bunk: B5-1 to Pod/ Bunk: K5-1

The following reason(s) for movement: move to K Pod  
Tecumseh is to be chained to his bunk at all times except  
when he takes his shower. When he takes his shower he is  
to wear cuffs, shackles, and belly chain. Finger foods only.

Requesting Officer:

Signed: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Supervisor/ Classification:

Signed: Karen Jenkins C.O. Date 6-24-05 Time 0800

Medical Personnel:

Signed: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Moving Officer:

Signed: [Signature] Date 062405 Time 0900

Booking Clerk:

Signed: [Signature] Date 6-24-05 Time 0849





POTTAWATOMIE COUNTY  
PUBLIC SAFETY CENTER

Movement Order

INMATE: Matthew Loney <sup>File # 4367</sup>  
<sup>Bookings 8002</sup>

Has been ordered to move from Pod/ Bunk: E2-1 to Pod/ Bunk: B2-1

The following reason(s) for movement: He is to remain in his room  
chained at all times except to take showers. When he takes  
his shower he is to wear shackles, cuffs, and body chains. 15-gallon  
food only.

Requesting Officer:

Signed: \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

Supervisor/ Classification:

Signed: Karen Jones Date 6-21-05 Time 1625

Medical Personnel:

Signed: \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

Moving Officer:

Signed: C. Holloway Date 6-21-05 Time 1821

Booking Clerk:

Signed: [Signature] Date 6-21-05 Time 1638



POTTAWATOMIE COUNTY  
PUBLIC SAFETY CENTER

Movement Order

INMATE: Travis Foote <sup>File # 2291</sup> Book # 8392

Has been ordered to move from Pod/ Bunk: K4-1 to Pod/ Bunk: K2-1

The following reason(s) for movement: Mr. Foote is to remain chained to his bunk in his room at all times. The only exception is when he takes a shower. When he takes his shower he is to be in Checkies, Cuffs, and belly chain. Prison Foods only.

Requesting Officer:

Signed: \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

Supervisor/ Classification:

Signed: Karen Jenkins C.O. Date 7-5-08 Time 1045-

Medical Personnel:

Signed: \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

Moving Officer:

Signed: Johnnie Daniel Date 7-5-08 Time 11:30

Booking Clerk:

Signed: [Signature] Date 7-5-08 Time 1111

PCPSC/DET #3-2003

**VOID** → 2005-76  
 Jolish 7-6-05 Jail Inspection Program  
**RECEIVED**  
 JUL 05 2005  
**NOT A COMPLAINT**  
**Pottawatomie County Public Safety Center**  
**Incident Report**  
**Not A Complaint** **CORRES FILE**

Incident Number 522

Date 7/2/2005

Time 23:21

Officer In Charge Corporal Melissa K. Osse

## Inmates Involved

Field	Book #	Last Name	First Name
4979	8545	Carr	Kendall
1009	8391	Wade	Randy

## Officers Involved

Last Name	First Name	Badge #	Rank
Osse	Melissa	C2	Corporal
Hudlow	Charles	D12	Detention Off
Rushing	Ralph	D17	Detention Off
Cooper	Tom	C3	Corporal
Morton	Aemon	D11	Detention Off
Heusdens	John		Maintenance
Basham	Stacey		Satellite Oper
Ortega	Sherry	Med3	Medical Offic

## Report

On the night of July 2, 2005, at approximately 2321 hours, I was in booking with Officer Hudlow waiting to assist him with an inmate we were going to put in the restraint chair because of suicidal tendencies. I, Cpl Osse, heard Satellite Operator Stacey Basham come over the radio stating that Q-pod was flooding. It was about that time that the fire alarms were going off in the building. Officer Ortega and I ran out of booking with Officer Hudlow close behind. We got to the hall leading from West Satellite to East Satellite. Officers Hudlow and Rushing were getting into the supply closet to get the tasers. I waited on Inmate Laborer Randy Wade. Inmate Laborer and I ran to Central Control to get the key to go and shut the water off outside. When I got to Q-pod, the situation with Inmate Carr was handled, he was cuffed and seated at a table. I then proceeded to Q6 to search the cell before inmate laborers could clean it. I found one piece to the broken sprinkler head. Inmate Laborer Wade found another piece to the sprinkler head. When I was searching under Inmate Carr's mat, Inmate Laborer Wade was just beginning to clean out Q6 cell. I found a piece of plastic with what appeared to be a \$20 rolled up inside. I left the piece of plastic the way I found it but confiscated it and put it in a ziploc baggie with the pieces of broken sprinkler head. Maintenance Heusdens had a chain place on the bunk of Q2 and Inmate Carr was placed in that cell with the chain around his leg.

Inmates Taken to Hospital

How were inmates transported to Hospital

Hospital Name

Condition when sent to Hospital

Date Sent

Time

Date Returned

Time

Hospital Instructions

Jail Inspection Notified ☐

Reporting Officer Melissa K. Osse, Corporal

CPL Melissa K. Osse

Reporting Officer Signature

PCPSCT Form 100

7/3/05

Sunday, July 03, 2005

Page 1 of 2